

**BOARD OF SELECTMEN
MEETING MINUTES
TUESDAY, OCTOBER 25, 2005
ABLONDI ROOM**

1 **Attendance:** Katherine E. Murphy, Chair; John H. Stasik, Vice Chair; Charles J.
2 Sisitsky, Clerk; A. Ginger Esty, Member; Dennis L. Giombetti, Member

3
4 **Staff:** George P. King, Jr., Town Manager; Mark J. Purple, Assistant Town Manager;
5 Scott T. Morelli, Executive Assistant

6
7 Meeting called to order at 7:03 PM by Mr. Stasik as Ms. Murphy was not yet present. He
8 then read the agenda.
9

10 **PUBLIC PARTICIPATION**

11 Mr. Harold Wolfe asked if Ms. Murphy had responded to his request submitted two
12 weeks ago regarding a violation of the bylaws by Town officials. He gave each Board
13 member a copy of his inquiry and asked for a response. Mr. Wolfe wondered if all Board
14 members had seen this as he sent it to the selectmen's email address.
15

16 Ms. Sheila Lynch lived on Walnut Street and said she had spoken before on the hazard
17 mitigation plan. She said she had two questions and gave each Board member a handout.
18 Ms. Lynch said Walnut Street did get flooded on October 15, 2005 unexpectedly. She
19 said at 3 AM she had no water and at 5 AM her son stepped into six inches of water on
20 the first floor. Ms. Lynch said she took many pictures around Town and noted that the
21 Route 9 bridge served as a dam. She said she ran into a Department of Public Works
22 (DPW) employee who was checking the status of water under the bridge. Ms. Lynch said
23 she asked him if DPW had opened the spillways on the Saxonville Dam and he said the
24 Town never did this since the Mr. Skinner incident where he emptied the entire river after
25 opening the spillways. She suggested lowering the height of the Sudbury River in
26 Framingham to help ameliorate the situation as flooding occurred every five years. Ms.
27 Lynch asked for the Town's policy for what to do with the spillways in Saxonville. Mr.
28 King said the MWRA had the authority. Mr. Sisitsky suggested Mr. Peter Sellers, DPW
29 Director, come to a meeting and to also have a representative from the MWRA attend as
30 well. Ms. Esty said there was an overflow brook from Lake Cochituate that the fed into
31 the Sudbury River so the Town had to be careful about when it released water. She said
32 the Town needed to have control of the river.
33

34 Ms. Murphy entered the room.
35

36 Ms. Lynch's second point was that FEMA approved a plan with some contingencies and
37 asked if anyone in the Town was doing anything. She noted that the Town's Police and
38 Fire Departments, along with the DPW, went door to door to see if flooded residents
39 needed anything. Ms. Lynch wondered who had the information they gathered that day.
40 Mr. Sisitsky said the Board should discuss these issues when Beaver Dam Brook came up
41 at a meeting.
42

43 Mr. Joe Rizoli referred to an article in the paper regarding his complaint about the
44 Framingham Police Department (FPD). He said the situation occurred in the court house.

1 Mr. Rizoli stated that Officer Gutwell said he was going to arrest him. Ms. Murphy said
2 that Officer Gutwell was not in the room so she was going to stop this from being
3 commented on. Mr. Rizoli said the officer wanted to arrest him because his brother had a
4 video camera. Ms. Murphy said this discussion would not occur without the officer and
5 representation present. Mr. Rizoli's brother said the same thing happened to him and he
6 was fired because of comments made in a session like this. Ms. Murphy said she was
7 going to recognize Mr. Freeman, next on the list.

8
9 Mr. Doug Freeman announced that the Civic League was sponsoring the Framingham
10 Community Theater. He said on December 3, 2005 there would be an evening of cuisine
11 and intrigue for \$35 for a ticket and tables for \$350 each. Ms. Murphy asked if it was a
12 theater that any community member could participate in. Mr. Freeman said it was.

13 14 SIGNING OF HEALTH INSURANCE COALITION AGREEMENT

15 Mr. King said the Employee Health Coalition bargained for health insurance for all
16 employees and asked the members to come forward. Ms. Sue Wallace, Chair; Ms. Linda
17 Libby; Mr. Joe Fonseca; Ms. Sandy Merloni; and Mr. Ray Jones all came forward. Mr.
18 King said the contract was negotiated for the next three years and some major changes
19 had been made after numerous negotiations. He said co-payments and prescription drug
20 plans were going up and along with other changes this equaled a savings of \$1 million
21 per year. In exchange, Mr. King said the Town had agreed to increase the Medicare
22 reimbursement program and pay 15% for dental premiums. He said that overall, the
23 coalition had been quite understanding and it had worked well for the Town. Mr. King
24 recommended the Board join the coalition and sign the agreement.

25
26 Ms. Wallace said she was on the coalition since the inception of chapter 19 in 1993. She
27 said the Town should be proud of its union members with this contract in maintaining
28 great benefits for its members while recognizing the cost to the Town to provide these
29 benefits. She said negotiations with Mr. King had been tough but successful.

30
31 All Board members congratulated the coalition for a job well done. Mr. Sisitsky hoped to
32 give a report to Town Meeting about this issue.

33
34 Both the coalition members and the Board signed two copies of the agreement. Ms.
35 Murphy noted a typo on the MOU on line three which read "following changes will me
36 made" and said it should read "be made."

37 38 PUBLIC HEARINGS

39 *Consideration of Change of Manager – Bickford's Grill*

40 Mr. Kenneth Allan, General Counsel for Bickford's Family Restaurants, said Mr.
41 Kenneth Keaney was seeking to be appointed manager of Bickford's Grill.

42
43 MOVED: To approve the Change of Manager for Bickford's Grill.

44 Motion: Mr. Stasik Second: Ms. Esty

45 VOTE: 5-0-0

46 47 ACTION ITEMS

1 *Consideration of Appointment to PILOT Study Committee*

2 Ms. Murphy said a seat has been vacated by the resignation of Mr. Kurt Steinberg. She
3 checked with the committee chair and said he would like the seat filled. Ms. Esty said he
4 spoke for himself and not the committee and tonight the committee would address the
5 issue of whether or not they wanted another member. Ms. Murphy said she believed this
6 Board asked to ask the chair of the committee to make this determination. Ms. Esty said
7 this should be tabled until someone could come up and give the Board their decision. Mr.
8 Sisitsky said he thought this was a committee the Board made an appointment to and
9 didn't think a committee could tell the appointing authority whether or not they could fill
10 a vacant slot. Ms. Esty asked Mr. Sisitsky if he was willing to wait on the decision. Mr.
11 Giombetti said the Board should ask for their guidance as to how far along they were and
12 how much value another member would add. He said if they had a lot more work to do
13 then they would need a member. Mr. Stasik recalled that the Board determined they
14 would fill it and would do so from the original pool of applicants. Mr. Giombetti said the
15 first item was to ask the committee how far along they were and then the next step was to
16 fill the position. Ms. Murphy felt the Board should move forward.

17
18 Ms. Murphy suggested allowing Ms. Rebecca Connelly and Mr. John Sperenza speaking
19 time. Mr. Sperenza said he had been a Town Meeting member since 1976. He said he
20 was all for the social service agencies in the Town and noted some of the organizations
21 that did good things in the Town. He said the existing SMOC establishments should exist
22 but felt the current set up may be taxing many of the Town's resources. Mr. Sperenza
23 said the Town should consider a moratorium and noted the Town had some of the most
24 SMOC agencies in the State. Ms. Murphy said she spoke with Mr. Sperenza and said he
25 was willing to walk into this with an open mind.

26
27 MOVED: To appoint Mr. Sperenza to the PILOT committee.

28 Motion: Mr. Sisitsky Second: Mr. Giombetti

29 VOTE: 4-1-0 (Passes. Mr. Stasik voted no.)

30
31 *Consideration of Appointment to Historic District Commission*

32 Mr. Christopher Walsh was previously a member of the commission but his term expired
33 in June 2005 and he said he never received a reappointment notification.

34
35 MOVED: To appoint Christopher Walsh as a member of the Historic District
36 Commission.

37 Motion: Mr. Sisitsky Second: Mr. Giombetti

38 VOTE: 5-0-0

39
40 *Consideration of Appointments to Route 126/135 Committee*

41 Mr. Stasik said there was an impressive list of candidates. He suggested appointing
42 members and then creating a steering committee that would meet on a more regular basis
43 to establish things like the agenda and sequence of events. Mr. Stasik said they were
44 waiting for the Department of Transportation to inform them if they needed to go through
45 the bid process for a consultant but added that they did have funding for this. He said this
46 determination affected when the committee could meet. Mr. Stasik said the steering
47 committee would be a small group, which he and Mr. Sisitsky would co-chair. He said

1 other members would include a Planning Board representative, the DPW Director, the
2 Town Engineer, the Director of Planning and Economic Development, and an EDIC
3 member. Ms. Esty said she wanted to be included in some capacity. Mr. Stasik said
4 there was an issue with appointing a quorum of Board of Selectmen which would affect
5 numerous things. Ms. Esty asked for advice as to how that would work if she didn't vote.
6 Ms. Murphy thought that this committee would be better off with two Board members.
7 Ms. Esty said she wished to be listed for historic reasons and had a background in public
8 work since the 1970s. Mr. Stasik said he was concerned with appointing three Board
9 members. He said it was not the intent to make the steering committee the decision-
10 making body but rather they would generate the issues and the agendas and the full
11 committee would vote on the issue. Mr. Stasik suggested checking with Town Counsel
12 as to how to manage the situation so that Ms. Esty could appear at these meetings. Ms.
13 Esty said she would attend ex-officio. Ms. Murphy suggested getting an opinion so they
14 committee could get moving. Mr. Stasik noted Anne Welles had been appointed by the
15 Planning Board and that Ms. Veronica Smith did not wish to be appointed.

16
17 MOVED: To appoint Ron Isaacson as a second downtown merchant member.

18 Motion: Mr. Stasik Second: Mr. Sisitsky

19 VOTE: 5-0-0

20
21 Mr. Stasik asked Mr. Moy if he spoke with any Natick board members. Mr. Moy said he
22 spoke with the Town Administrator. Mr. Sisitsky said it was on Natick's agenda last
23 night. Mr. Moy said Natick would not be able to make it official unless they advertised
24 and posted. He said he spoke with the Natick Engineer and left him a resume. Mr. Stasik
25 said they would wait for the Natick board to contact the Town.

26
27 Mr. Stasik said the same was true with Mr. Bates in Ashland but their board needed to
28 vote as well.

29
30 Mr. Stasik said Congressman Markey had expressed tremendous interest in this issue as
31 did Congressman McGovern.

32
33 MOVED: To appoint Mr. Joe Dalton as the ex-officio member from Congressman
34 Markey's office.

35 Motion: Mr. Stasik Second: Mr. Giombetti

36 VOTE: 5-0-0

37
38 Mr. Sisitsky asked about Mr. Lloyd Kaye serving as the CDC member and wondered if
39 Mr. Kaye was still a member of the CDC. Mr. Stasik said Mr. Kaye thought that the
40 CDC should be represented on the committee and noted that the CDC had nominated him
41 as their representative.

42
43 MOVED: To appoint Mr. Lloyd Kaye as the CDC member.

44 Motion: Mr. Sisitsky Second: Mr. Stasik

45 VOTE: 5-0-0

1 Mr. Stasik suggested including everyone else on the list except for Mr. Frank DeMasi and
2 Mr. Bill Moy. He said he spoke with all of these people.

3
4 MOVED: To appoint the entire list of unspecified applicants as At-Large members.

5 Motion: Mr. Stasik Second: Mr. Sisitsky

6 VOTE: 5-0-0

7
8 MOVED: To appoint a member from both the Police and Fire Departments to the
9 committee.

10 Motion: Mr. Stasik Second: Mr. Sisitsky

11 VOTE: 5-0-0

12
13 Ms. Murphy asked who would support this committee. Mr. Stasik said it would come
14 primarily from Ms. Bartolini with both DPW and Engineering involved as well. He said
15 minutes and postings would all be done through the Planning Department.

16
17 Ms. Murphy suggested keeping this as a regular agenda item.

18
19 SCHOOL BANS – MR. DENNIS O’NEIL, TREASURER

20 Mr. O’Neil said he had two borrows for the Board, including one for the MWRA, and
21 handed out informational packets. He said the original Bond Anticipation Notice (BAN)
22 was a combination BAN for \$13,264,000 that would be dated for November 1, 2005. He
23 said they had eight excellent bids and First Albany was the winner at 4% with a premium
24 of \$87,543 that gave the Town a net interest rate of 3.0059%. Mr. O’Neil said this was a
25 tight bid, which showed that the Town was an attractive item to bid on. He said the
26 majority of this was for the School Department and the rest was for a Town Meeting
27 vote. Mr. O’Neil asked the Board to approve the low bidder and to sign the various
28 documents with the Town Manager.

29
30 Ms. Murphy referred to the letter from Ropes and Gray, paragraph one, which
31 erroneously referred to the Town of Milton. Mr. O’Neil said the original document that
32 the Board would sign referenced the Town of Framingham.

33
34 MOVED: To move as printed on page three and four of Ropes and Gray’s language.

35 Motion: Mr. Sisitsky Second: Mr. Giombetti

36 VOTE: 5-0-0

37
38 Mr. O’Neil said the second one was to be dated for November 17, 2005. He said there
39 were two projects under Article 26 at last June’s Town Meeting for MWRA. Mr. O’Neil
40 said an application was made for the Swift Road Sewer for \$350,000 and for the Grove
41 Street sewer for \$200,000. He said these were the standard 55% loan and 45% grant
42 interest-free loan. Mr. O’Neil said they reduced the Grove Street project by \$128,800
43 which was the interest that accumulated on the accounts the Town had on previous
44 borrowings. He said they used that interest to reduce this request so the Town ended up
45 with a \$72,000 borrow grant that was broken down as follows: \$32,400 as a grant and
46 \$39,600 as the borrow. Mr. O’Neil said this would completely fund both of those

1 projects and asked the Board to vote the language to accept the loan as on the page from
2 bond counsel.

3
4 Ms. Esty asked if this needed to be listed on the agenda to be approved. Mr. King said
5 there was no specific language requiring a bond to be on the agenda. He said the item on
6 the agenda was general enough to include it. Mr. O'Neil said this could be addressed at
7 next meeting. Ms. Esty said the Board should vote now and if there was a problem with
8 this the Board could schedule it again for next week.

9
10 MOVED: To approve as spelled out in the paperwork presented by the Town Treasurer.

11 Motion: Mr. Sisitsky Second: Mr. Giombetti

12 VOTE: 5-0-0

13
14 DISCUSSION OF TOWN MANAGER SEARCH PROCESS

15 Ms. Monica Visco, Human Resources Director, put together an informational packet for
16 Board members and reviewed it with them. She said one of the items was an RFP for
17 consulting services for the search. Ms. Visco also included the Town Manager Act from
18 which she compiled a list of roles for the Selectmen and a job description. She also
19 included a proposed timeline and the last posting for the Town Manager position. Ms.
20 Visco suggested moving along quickly and to hire a search firm. She said if this was
21 approved tonight she could send the RFP out tomorrow with a return date of November 8,
22 2005. Ms. Visco said if all the proposals were in by this time a firm could be selected by
23 November 15, 2005 and the search could begin. She felt it was important to identify
24 someone as an acting Town Manager as well. Ms. Visco said the search firm would work
25 with a search committee appointed by the Board and would create goals and timelines.
26 She said under the Town Manager Act the Board determined the job descriptions for the
27 Town Manager. Ms. Visco said the Board should review the candidates to ensure they
28 met the minimum qualifications and the Personnel Board would soon be meeting to set
29 these minimums.

30
31 Mr. Sisitsky asked about the RFP responses being due November 8, 2005 and wondered
32 if this was enough time to review candidates. Ms. Visco said she felt there was enough
33 time and the process should move along quickly. Mr. Sisitsky wondered if the Board
34 would have the RFP results in front of them on November 8, 2005. Mr. King said a
35 subcommittee would look at the RFPs before the Board received them. Mr. Sisitsky said
36 he worried about this tight timeline.

37
38 Mr. Giombetti said there wasn't a consultant last time but thought a lot of the tasks could
39 be done by the HR Department. He said it made sense to share some of the duties and
40 limit the scope of the consultant. Ms. Esty said the CFO consultant was not the source
41 for the eventual candidate. Mr. King said the new CFO did respond to the ad by the
42 consultant. Ms. Esty said it didn't take a consultant to place an ad and said that talent
43 was available in the building to do the screening. Mr. Sisitsky said that could be true. He
44 said he did not want to unfairly burden Ms. Visco with what the consultant could do and
45 stated that this was the most important position in the Town so the Board shouldn't try to
46 skimp on what it paid a consultant. Ms. Murphy thought Mr. Giombetti made many good
47 points but thought the Town might as well get the whole package from a consultant. Mr.

1 Sisitsky asked how many RFPs were expected. Ms. Visco said if the Town received four
2 it would be a lot. She said that a consultant would increase the quality and quantity of
3 candidates. Mr. Giombetti said as long as Ms. Visco stayed close to the process he would
4 be ok with a consultant.

5
6 Mr. Stasik confirmed that the Board chose the screening committee and the consultant
7 and also developed the job responsibilities. He said the Personnel Board had the first
8 crack at determining the minimum qualifications and then the Board could refine if
9 needed. Ms. Visco said the minimum requirements related more to educational and work
10 experience. Mr. Stasik asked if that was advertised. Ms. Visco said it was the Board's
11 role to expand on what kind of person it wanted for the position whereas the Personnel
12 Board determined where the applicants came from with their work experience. Mr.
13 Sisitsky said the consultant could do prescreening to filter out but Mr. Giombetti felt
14 every resume should go to the screening committee. Mr. Giombetti said he thought this
15 was how the RFP was written. Mr. Stasik said that once applications came in they were
16 reviewed and then the search committee focused on the most qualified candidates and
17 began interviews. He said the most immediate job was to put together a definition and
18 list of responsibilities of the Town Manager. Mr. Sisitsky said this was two separate
19 tasks. Ms. Visco said minimum requirements were listed in the Town Manager Act. Ms.
20 Esty asked if each Selectman got to choose two people to serve on the search committee.
21 Mr. Sisitsky said each Board member selected two people.

22
23 Ms. Esty asked about timeline for appointing an acting Town Manager. Ms. Visco said it
24 was not in there because she didn't want to be restrictive.

25
26 Ms. Murphy asked who hired the consultant and referenced page 4 letter J. She said the
27 Town Manager screening committee should be changed to the Board.

28
29 MOVED: To accept the recommendations in the packet from the HR Director, with the
30 exception of changing the hiring of a consultant by the screening committee to the Board
31 of Selectmen.

32 Motion: Mr. Sisitsky Second: Mr. Stasik

33 VOTE: 5-0-0

34
35 Ms. Visco said she would make the change and get the RFP out tomorrow.

36
37 Mr. Sisitsky said he wouldn't mind the Policy Subcommittee doing the first draft of the
38 requirements and having the Board review. Mr. Sisitsky said if the Board needed an
39 extra week or two they would have to take it.

40
41 Ms. Murphy said the next issue would be to identify an acting Town Manager. Mr.
42 Giombetti recommended deciding tonight what the selection committee process would be
43 and to then appoint on November 8, 2005 to the search committee. He said on the same
44 evening they could vote on an interim Town Manager. Mr. Sisitsky said the longer the
45 overlap the better off the Town would be. He said Mr. Purple should be appointed as
46 interim Town Manager and there should be no other considerations. Ms. Esty wondered
47 if the interim Town Manager should accept the stipulation that if he or she were interim

1 then they could not apply for the position. Mr. Sisitsky said Mr. Purple had been the
2 Assistant Town Manager for numerous years, had prior Town Manager experience, and
3 said that any other choice would begin to look political.

4
5 Mr. Giombetti said if the interim Town Manager applied and was not selected as a finalist
6 for the job this could cause problems with the search committee and some disruption in
7 performance. He said it would be tough to slide back to the previous position. Mr. Stasik
8 appreciated what Mr. Giombetti said but added that to take the position was to take it
9 without any assurances or a leg up.

10
11 MOVED: To appoint Assistant Town Manager Mark Purple as interim Town Manager.

12 Motion: Mr. Sisitsky Second: Mr. Stasik

13 VOTE: 5-0-0

14
15 Mr. Purple accepted this appointment and noted his experience in Massachusetts
16 municipal government.

17
18 Mr. Giombetti said a decision needed to be made on the composition of the search
19 committee. Mr. Sisitsky asked how people could make it known that they wanted to
20 serve on the search committee. Mr. Giombetti said they could call individual Selectmen
21 or submit an application to the full body for consideration. Mr. King said two people had
22 already applied and he would pass their names along to the Board for their consideration.

23
24 MOVED: The selection of the search committee will be done by having each Board
25 member have two appointees to that committee.

26 Motion: Mr. Giombetti Second: Mr. Stasik

27 VOTE: 5-0-0

28
29 Mr. Sisitsky said the decision would be made on November 8, 2005 so people should be
30 contacted immediately.

31
32 Mr. Sisitsky congratulated Ms. Visco for a great job on the employee recognition dinner
33 and all Board members agreed. Ms. Esty suggested next year reading the names of all
34 people honored rather than limiting it to those present. Mr. King said this was done in
35 year's past and the few who showed up would get lost in a sea of names. He said this
36 year was a trial and each individual was recognized. Mr. King said this year was the
37 largest turnout ever. Mr. Giombetti suggested a letter of thanks to Bose for allowing the
38 use of their facility.

39
40 REVIEW OF TOWN MEETING ARTICLES

41 Ms. Murphy suggested reviewing article 12 first since Ms. Visco was present. There was
42 no objection to this.

43
44 *Article 12 – Appropriation for Retired Police Officers and Fire Fighters*

45 Ms. Visco read the memo she prepared for the Board regarding this matter. She said this
46 was a request for the Town to pay \$2,075.35 in claims to be paid for medical bills for
47 three retired employees, two from the Police Department and one from the Fire

1 Department. Ms. Visco said these had been reviewed and approved by Town Counsel,
2 the Chair of the Retirement Board, and the physician used by the Town. Ms. Murphy
3 said this came forward at least once a year.

4
5 MOVED: To endorse this for Town meeting.

6 Motion: Mr. Stasik Second: Mr. Sisitsky

7 VOTE: 5-0-0

8
9 Ms. Murphy called for a five minute break at 9:11 PM. The meeting was called back to
10 order at 9:23 PM.

11
12 *Article 2 – Bylaw Amendment for Appointed Committee Quorum*

13 Mr. Joel Winett, Vice Chair of the Government Study Committee (GSC), said the
14 motivation for this article came from the GSC being a 12 member committee with four
15 vacancies and as such they were having trouble with quorum. He said the Town Counsel
16 gave an opinion that some Boards had only three people on them and a quorum of only
17 one would not be advised and therefore this article only covered committees. Mr. Winett
18 said the GSC wondered if the Board felt this article should apply to them. He said
19 concerns had surfaced since proposing this and noted that reducing the quorum might not
20 result in the desired composition of the committee. Mr. Winett said another concern was
21 that an appointing authority would not make appointments if a committee already had a
22 quorum. He noted several vacancies on Board appointed committees.

23
24 Mr. Sisitsky said Board vacancies were the result of candidates not applying. He also
25 said that he did not think this type of requirement could be imposed on elected Boards.
26 Mr. Winett said he meant committees of five or more members appointed by the Board,
27 not the Board itself. Mr. Giombetti asked how many committees this would affect. Mr.
28 Winett said it would affect six that were appointed by the Moderator, six by the Board,
29 and two by the Town Manager. He said it would not apply to Town Meeting standing
30 committees as they were elected not appointed. Mr. Giombetti asked if Mr. Winett
31 thought of instituting a minimum quorum. Mr. Winett said under this bylaw a committee
32 of five that had two vacancies would have a quorum of two. He said without this bylaw,
33 the same committee would have a quorum of all three. Ms. Murphy said if this passed
34 and people were happy with the make up of a committee with vacancies there might be a
35 pressure to keep it at that since they were already meeting quorum.

36
37 Mr. Sisitsky said initially he thought the Board should not take action and let Town
38 Meeting debate this. Mr. Stasik said the Route 126/135 committee would need 17 for a
39 quorum and he knew that many committees he had served on worried about getting a
40 quorum. He said he was inclined to go along with whatever Town Meeting decided.

41
42 MOVED: To take no position.

43 Motion: Mr. Sisitsky Second: Mr. Stasik

44 VOTE: 5-0-0

45
46 *Article 3 – Bylaw Amendment for Demolition Delay*

1 Mr. David Marks, chair of the Historical Commission, said this would change the bylaw
2 in order to add an extra level of protection for items the Town had and would have on its
3 cultural resources inventory. He said the buildings on this list were examples of the
4 Town's architectural, cultural, and historical heritage and as such should be protected. Mr.
5 Marks said the current bylaw read that every structure over 50 years was subject to
6 review by the commission. He said if the commission found one of the structures to be a
7 cultural resource then they would hold a public hearing, which could result in a six month
8 demolition delay. Mr. Marks said during this time they tried to meet with the owner to
9 discuss options. He said for items on this inventory the commission would like to add an
10 additional six months. Mr. Marks said with a 12 month delay it would allow the
11 commission to stay within the review process at the Planning Board. He noted other
12 proposed changes in the bylaws. Mr. Sisitsky confirmed that this was not an automatic
13 delay of six months and this would change it to 12 months.

14
15 Mr. Sisitsky asked who established the inventory. Mr. Marks said that typically sites
16 only went off it if they were demolished. He said his commission determined additions
17 to this list and noted that there was a public interest in maintaining certain buildings and
18 sites. Mr. Marks said copies of the inventory were available in Town Hall and in public
19 libraries.

20
21 MOVED: To endorse article three at Town Meeting.

22 Motion: Mr. Stasik Second: Mr. Sisitsky

23 VOTE: 5-0-0

24
25 Without objection Ms. Murphy moved consideration of article six before article five.

26
27 *Article 6 – Authorization of Expenditure by the Framingham Disability Commission*

28 Mr. Dennis Polselli, chair of the Disability Commission, said the fine for handicapped
29 parking was \$200, half of which went to the Town's general fund and half of which went
30 to the Disability Commission. He noted back-up materials on how that money was spent
31 last year. Mr. Polselli said the commission asked for \$13,849 from this fund to pay for
32 things such as signage about the fine and doors at the Callahan Senior Center.

33
34 Ms. Murphy asked how much money came in from these fines. Ms. Karen Foran said the
35 commission was requesting \$14,263 so double that amount came in. Ms. Murphy said
36 many people were parking illegally but it seemed the Police Department was doing an
37 excellent job cracking down on this. Ms. Foran said the handicapped enforcement
38 program run by the commission was also cracking down by doing affidavits and taking
39 photographs. She said they were also working with Mr. Jim Egan, Director of Building
40 Services, to ensure the Town had compliant signs and \$200 fine signs so people were
41 aware of this fine. Ms. Murphy said it was an extensive process to document illegal
42 parking. Ms. Kathy McCarthy said the commission was helping to educate people so
43 they won't park in these spots. Ms. Foran said she was the only commissioner working
44 on this enforcement right now but she hoped to have more people trained on this in the
45 near future.

46
47 MOVED: To recommend favorable action.

1 Motion: Mr. Giombetti Second: Mr. Sisitsky

2 VOTE: 5-0-0

3
4 *Article 5 – Appropriation of Funds for Land Use Litigation*

5 Mr. Robert Snider, a Town Meeting member from Precinct 11, said there had been some
6 changes since he originally filed this article and said he would move to have the article as
7 originally drafted referred back to the sponsor. He said he would present a resolution
8 instead. Mr. Snider said some legal jockeying occurred after the bylaw passed at the
9 August 3, 2005 Special Town Meeting. He said the issue shifted from land use to the
10 motives of the Town and discrimination, an accusation he said annoyed him as he felt
11 Framingham was a beacon of enlightened citizenship. Mr. Snider said that since
12 proposing this article, he realized \$100,000 had been allocated for legal matters and also
13 that the Memorial Building had many problems. He said he also spoke with the Finance
14 Committee and although it would have been nice to give the Board the financial
15 wherewithal in meeting these lawsuits, financial flexibility for the Town was really more
16 important. Mr. Snider gave the Board the proposed resolution and read it.

17
18 Ms. Murphy said a case did not exist at the moment and added that she would like to get
19 the opinion of Town Counsel before proceeding so that the Town would not have
20 liability. She referred to federal cases, including one in Baltimore, where the community
21 was held liable. Mr. Sisitsky noted that Town Meeting said it was ultimately the Board's
22 decision on what cases to pursue and how much to spend on each case.

23
24 Ms. Murphy was unsure if the Board supported resolutions and cautioned against
25 proceeding until something happened. Mr. Giombetti said the Board was under no
26 obligation.

27
28 Mr. Stasik said he had reservations on this although he felt strongly about it. He said the
29 Zoning Board of Appeals was making a decision this evening on this matter which could
30 lead to a legal problem in addition to Ms. Murphy's concerns with the federal
31 discrimination law.

32
33 MOVED: To support this resolution

34 Motion: Mr. Giombetti Second: Ms. Esty

35 VOTE: 2-3-0 (Fails. Ms. Esty and Mr. Giombetti voted yes.)

36
37 MOVED: To take no position on this resolution.

38 Motion: Mr. Sisitsky Second: Mr. Stasik

39 VOTE: 3-2 (Passes. Mr. Giombetti and Ms. Esty voted no.)

40
41 *Article 8 – Report from the Housing Policy Steering Committee*

42
43 MOVED: To support article eight.

44 Motion: Mr. Sisitsky Second: Ms. Esty

45 VOTE: 5-0-0

46
47 DIVISION UPDATE – FIRE DEPARTMENT

1
2 Mr. Ollie Gadson, Fire Chief, gave a PowerPoint presentation to the Board. He outlined
3 the Fire Department's (FD) mission statement and noted challenges and
4 accomplishments, including the transition in to the Chief position in April 2005, the
5 presentation of a Fiscal and Capital Budget at Town Meeting, and the closeout of the
6 fiscal year 2005 budget. Chief Gadson said a platform truck was acquired at a
7 substantial savings and the FD would return that money to Town Meeting.
8

9 Chief Gadson provided a fire analysis from 2004, including 462 total fires, up from 428
10 fires in 2003. He noted the run count was 8,955, up from 8,531 in 2003. Chief Gadson
11 spoke about fire prevention and said the FD issued 3,327 permits in 2004 and completed
12 inspections were up 17% from 2003 to 2004 to 2,800. He noted \$192,033.88 in total
13 revenue was collected in 2004.
14

15 Chief Gadson spoke about the FD's goals and objectives. He said the first goal was to
16 bring the Town in compliance with the National Incident Management Systems (NIMS),
17 which established standardized incident management processes that all responders used
18 to conduct response actions. Chief Gadson said a key feature of NIMS was the Incident
19 Command System (ICS), which the FD was already involved in. He noted another goal
20 and objective in the Fire Prevention Division which was to redefine the Fire Prevention
21 Division into a more customer friendly department and listed ways to achieve this.
22

23 Chief Gadson outlined customer service initiatives for the FD.
24

25 Chief Gadson noted that the FD had acquired a Fire Safety House, which he said would
26 assist in helping to teach people how sprinklers work and how children could escape from
27 areas with smoke, among other benefits.
28

29 Chief Gadson said another goal was to lower the Fire Department Insurance Services
30 Office (ISO) rating, which impacted the insurance rates in the Town. He said a class one
31 rating was exemplary protection and a class 10 rating failed to meet minimum criteria.
32 Chief Gadson said the Town's score in 1994 was three and that in 2005 they had a better
33 chance of lowering this score. He suggested specific actions to lower the ISO rating.
34 Chief Gadson noted the Town's scores on the Fire Suppression Rating Schedule (FSRS)
35 and said a benefit of the Public Protection Classification Program (PPCTM) was to lower
36 insurance premiums and save lives.
37

38 Chief Gadson discussed dumpster fees and said this would help the FD get control on
39 dumpsters by knowing where all of them were located. He said other communities had
40 fees and thought the Town should implement one.
41

42 Mr. Sisitsky referenced the effort to improve customer service for Fire Prevention and
43 asked if all the planning was done in house or with consultants. Chief Gadson said it was
44 all done in house. He said a professional had to okay the plans and the FD reviewed the
45 materials to ensure it was done properly.
46

1 Mr. Sisitsky asked about the ISO upgrade for insurance and if this required the Town to
2 add additional firefighting personnel. Chief Gadson said he was not sure but the Board
3 was not required to do so. He said before he invited the company in he would find out
4 what was needed to get the better score. Mr. Sisitsky also asked about lowering the score
5 based on dispatch. Chief Gadson said the FD had a more computer-oriented system and
6 there was currently only one dispatcher.

7
8 Mr. Sisitsky asked why engine nine was up in Nobscott. Chief Gadson said Edmands
9 Road was blocked and he felt it was necessary to have another engine detail on the other
10 side of that blockage. He said the contractor had to pay for this detail.

11
12 Mr. Sisitsky said everyone in DPW had to pass the NIMS exam but only people with
13 email addresses could take the exam. Chief Gadson said he was working on a
14 collaborative effort with DPW, Police, and Fire on this.

15
16 Mr. Sisitsky asked if there were any issues the Board should be aware of for the fiscal
17 year 2007 budget. Chief Gadson said the FD was looking for another engine. He also
18 said he visited station two at Watson Place in Saxonville and the roof was leaking.

19
20 Mr. Giombetti asked about customer service response cards and wondered if other
21 departments had these. Mr. King said they did and the Town was in the process of
22 redesigning them as all responses were coming back as excellent. Chief Gadson said
23 they had the older cards and noted that customer service was very important to the FD.

24
25 Mr. Giombetti confirmed that the ISO rating lowered household insurance. Mr. King
26 said every town had a rating for commercial and personal. He said a 3-4 was a category
27 B and a 1-2 was a category A. Mr. King said a lower rating would mean lower rates for
28 residents. Chief Gadson said he was confident the FD could lower rates but this would
29 require work.

30
31 Mr. Stasik asked about sprinkling throughout various residential units. Chief Gadson
32 said this was not required in all, especially in areas where water was scarce. He said it
33 depended on the building code. Mr. Stasik asked if the State regulated this or if a
34 community could regulate. Chief Gadson said a community could regulate this. Mr.
35 Stasik asked if this would affect the insurance rating and Chief Gadson said he wasn't
36 sure.

37 Mr. Stasik wondered if it was a good idea to generally require sprinklers. Chief Gadson
38 said sprinklers saved lives and he would recommend this.

39
40 Ms. Esty asked for a report on the Triram Fire. Chief Gadson said he thought this was
41 still in the courts. Ms. Esty said it was a State report that examined the fire. Chief
42 Gadson said he did not have anything from the State on this but had documents from the
43 FD.

44
45 Ms. Esty wondered if it was mandatory for people with tanks to let the FD know what
46 was in them. Chief Gadson said he thought it was mandatory to give this info to the FD.
47 Ms. Esty said at one site tanks were discovered that were not listed. Chief Gadson said a

1 new house was built on the property and the seller's should have known the tanks were
2 there. Ms. Esty said she was concerned about other such tanks. Chief Gadson said the
3 FD was trying to research information available at the Assessors office and in FD records
4 as to what tanks were in the ground but this was a difficult process. Ms. Esty asked if the
5 Chief was concerned about the mismatch of information on underground tanks, which
6 Chief Gadson said he was.

7
8 Ms. Esty asked if the EPA supplied the FD with conditions after a spill. Chief Gadson
9 said it was usually in the hands of the DEP and EPA to do whatever follow-ups were
10 needed and added that it was usually out of the FDs hands. Ms. Esty wondered if it
11 would be helpful for the FD to have a larger role in this. Chief Gadson said the FD could
12 work more on the investigation process but cleanup was expensive and he was not sure
13 the Town wanted to take on that role.

14 15 TOWN MANAGER'S EVALUATION

16 Ms. Murphy said by contract the Town Manager was evaluated every year. She said this
17 year the scale was cut down to 1-5 for the various categories.

18
19 Ms. Murphy and Mr. Stasik gave a PowerPoint presentation on this evaluation. Mr.
20 Stasik said under the first dimensional category, Personal Qualities, the composite score
21 was 3.33. In Community Relations, the composite score was 3.30. In Leadership and
22 Professional Capability, the composite score was 3.40. In Negotiations and Contracts,
23 the composite score was 3.93. Ms. Murphy said in Communication with the Board, the
24 composite score was 3.63. In Staff & Personnel Relationships, the composite score was
25 3.06. In Business and Finance, the composite score was 3.76. She said the dimensional
26 average score was 3.49. She also read the fiscal year 2005 goals and comments made by
27 the Selectmen. The goal average score was 3.50.

28
29 Ms. Murphy congratulated Mr. King on a good year. Mr. Stasik said in generating the
30 composite evaluation, he appreciated that it must be difficult for the Town Manager to sit
31 there and take some of this. Mr. Stasik said he found it remarkable that Mr. King was
32 able to maintain a fairly stable fiscal environment in the community and at the same time
33 maintain the admiration and respect of the rank and file worker by offering them
34 reasonable contracts.

35
36 Mr. King said he thought it was striking that one of the comments made almost
37 universally was that he did a good job on oral presentations and on his first few
38 evaluations this was not the case. He said the accomplishments he was most proud of
39 were the fiscal and labor situations. Mr. King said he didn't think he did a perfect job in
40 his seven years but disagreed with some of the things that were written and noted the
41 capital override as an example. He wondered how he was blamed for things such as not
42 releasing information on the Wayside issue and said the Town didn't get credit for all of
43 the information it did release. Mr. King said the Town's job was to balance everyone's
44 rights and that there were two sides to each story. He said there were no secrets in Town
45 Hall and cited the evaluations being released to the public tonight as proof of that. Mr.
46 King appreciated the Board's comments and felt overall it was a very good evaluation.
47 He noted his memo response to the evaluation as a few items warranted a reply. Mr.

1 King said he felt the evaluation had become a political process and didn't think it was a
2 particularly valuable approach as it currently stood.

3
4 Ms. Esty had a question on numeral VI, letter K regarding reviews of the department
5 heads and wondered if these were done. Mr. King said these were just about done. Ms.
6 Esty wondered if Mr. King still felt his evaluation should be set first before the
7 department head's were done. Mr. King said yes as the goals needed to be set and he
8 knew his vision but needed to see the Board's vision. Ms. Esty wondered if this fit with
9 the department heads being judged on how they achieved their goals over the past year.
10 Mr. King said these past goals were set on things the Board wanted to see happen. He
11 said if a department head had a goal that the Board wanted to be pursued and he thought
12 they did a good job with it but the Board gave him a bad evaluation score on it then he
13 would have to reconsider that evaluation. Mr. King noted that Ms. Esty gave him a score
14 of one in the category of recruiting good staff, which he felt was a bad slap at the staff,
15 but other Board members scored him higher than that so he did not feel this was a
16 problem area. Ms. Esty asked if Mr. King thought rating the department heads on their
17 merit raise had to wait for the Board to establish more goals. Mr. King said he was in the
18 process now of setting their goals and needed to see some of the Board's feedback to
19 complete their merit evaluations, which would be done next week.

20
21 Ms. Murphy asked if there needed to be contract discussions. Mr. King said his contract
22 made him eligible for a retroactive merit raise. He said the Board voted in executive
23 session two weeks ago to waive the 180 day notification requirement with the stipulation
24 that he not receive the merit raise retroactively. Mr. King said he must exercise this
25 option before December 2, 2005 and said he intended to take advantage of this offer.

26
27 MOVED: To accept the report of the Policy Subcommittee and place it on file.

28 Motion: Mr. Sisitsky Second: Mr. Stasik

29 VOTE: 5-0-0

30
31 TOWN MANAGER'S REPORT

32 None.

33
34 SELECTMEN'S REPORTS

35 Mr. Stasik said he would like the Board to resolve the Joe Bradley issue once and for all
36 as this had been going on for years. He said the Building Inspector had fined the
37 company and had taken them to court. Mr. Stasik said the blades came off the roof
38 because the Town threatened to close them down. He said the contractor on that site has
39 had and currently had contracts with the Town. Mr. Stasik said he was unsure how to
40 proceed but suggested the issue be addressed satisfactorily or the Board should write a
41 letter to all division heads restricting contracts with the Town for this contractor. Mr.
42 King said the Town could not do this as the person had rights under the purchasing laws
43 that the Town could not abridge. He said there was no favoritism and added that there
44 were two sides to every story. Ms. Murphy said this should be addressed as an agenda
45 item. Ms. Esty wondered if this issue could be expanded to include other issues on
46 Taylor Street.

1 Ms. Esty read a quote from the United Way brochure which was not very flattering to
2 Framingham. Mr. Sisitsky said this was an ad for the United Way created by
3 professional advertisers so people would feel bad and donate to them. Ms. Esty said the
4 Town should pay attention to this type of publicity and have a plan.

5
6 Ms. Murphy said the Farm Pond Task Force met this week and needed information on the
7 dump.

8
9 Ms. Murphy said she attended a meeting with Mr. Stasik and a delegation from Brazil.
10 Ms. Murphy said notice of this was given at the last minute notice and it involved two
11 Brazilian senators, two congressmen, and a high ranking official. She said they
12 addressed border crossing from Mexico into United States and noted that they were
13 meeting with many officials to try and stop this. Ms. Murphy said the delegation was
14 telling their citizens to not come across the border.

15
16 Ms. Murphy said there was an MAPC meeting tomorrow in Dedham but she already
17 attended the same session so someone else could go if they wanted to.

18
19 Ms. Esty asked about the forum on illegal immigration and said some people may be
20 expecting a public hearing not a forum with a price tag. She asked if the Board would
21 address this as an agenda item as a public hearing. Ms. Murphy said the forum is to
22 collect information, after which an action plan could be created. She said it was open to
23 the public. Ms. Esty said there was a \$20 price tag. Ms. Murphy said it was not a public
24 hearing and asked for clarification from Ms. Esty. Ms. Esty said this should not be done
25 in place of a public hearing. Ms. Murphy said this was a first step.

26
27 MOVED: To adjourn at 11:59 PM.

28 Motion: Mr. Sisitsky Second: Mr. Stasik

29 VOTE: 5-0-0

30
31
32 Respectfully submitted,

33
34
35
36 Charles J. Sisitsky, Clerk